

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

PAUL MARKOWITZ,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	No. 2:14-cv-2806-JDT-cgc
	)	
UNIVERSITY OF MEMPHIS, et al,	)	
	)	
Defendant.	)	

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REPORT AND RECOMMENDATION

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On October 20, 2014, Plaintiff Paul Markowitz, a resident of Memphis, Tennessee, filed a *pro se* complaint captioned “Complaint for the Violations of 42 U.S.C. Sections 1983, 1985, 1986 and Under the First, Fourth, Fifth, Eighth and Fourteenth Amendments of the United States Constitution...”, accompanied by a motion seeking leave to proceed *in forma pauperis*. (Docket Entries (“D.E.”) 1 & 2.)

On October 30, 2014, Plaintiff filed a Motion to Non Suit pursuant to Fed. R. Civ. P. 41(a)(1)(B). (D.E. # 6) Rule 41 permits a plaintiff to dismiss an action without court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. The case is pending review pursuant to 28 U.S.C. § 1915 and process has not issued. No answer or motion for summary judgment has been filed.

It is RECOMMENDED that the Court DISMISS the complaint without prejudice pursuant to Fed. R. Civ. P. 41.

Signed this 23<sup>rd</sup> day of December, 2014.

s/ Charmiane G. Claxton  
CHARMIANE G. CLAXTON  
UNITED STATES MAGISTRATE JUDGE

**ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE SAID OBJECTIONS OR EXCEPTIONS WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.**